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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Broker et al. )  
 ) Group Art Unit: 2173  
 )  
Serial Number 09/919,794 ) Examiner: T. Hailu  
 )  
Filed August 2, 2001 ) Docket No.: BRO009-162

For: Information Display System For an Appliance  
Incorporating Electronic Interface Screen

## APPLICANTS' APPEAL BRIEF

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

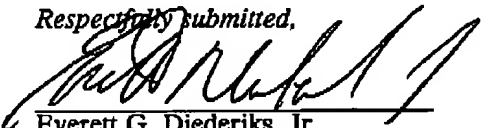
VIA FACSIMILE  
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31 Pages

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Respectfully submitted,

  
Everett G. Diederiks, Jr.  
Attorney for Applicant  
Registration Number: 33,323

Date August 1, 2005

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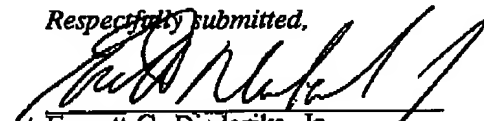
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VIA FACSIMILE  
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Dear Sir:

The applicants of the above-identified U.S. patent application submits this Appeal Brief in support of an appeal from the final rejection of claims 1-20 in this application. The fee required under 37 C.F.R. §1.117(f) accompanies this brief.

**REAL PARTY IN INTEREST**

The above-identified patent application has been assigned to Maytag Corporation which assignment has been duly executed by each of the inventors. The assignment document was recorded on September 14, 2001 on Reel 012172, Frame 0715.

**RELATED APPEALS AND INTERFERENCES**

There does not exist any known related appeals or interferences which would directly affect, be directly affected by or have a bearing on the decision of this case.

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**STATUS OF CLAIMS**

Claims 1-20 currently stand rejected and are herewith appealed. Claims 2 and 9 were amended on July 20, 2004 to provide proper antecedent basis for the term "form." The application contains independent claims 1, 8 and 15. Claims 1-14 are directed to methods of conveying information on a display screen of an appliance and claims 15-20 are directed to an information display system for an appliance.

**STATUS OF AMENDMENTS**

Amendments to claims 1, 8 and 15 were proposed on April 29, 2005 to the final rejection dated January 4, 2005. However, despite assertions to the contrary made by the Examiner during a personal interview on April 20, 2005 as evidenced in the interview summary record, the above amendments were not entered (see Exhibit 1 provided in the Evidence Appendix).

**SUMMARY OF THE INVENTION**

In general, the present invention pertains to a system for programming and operating a laundry appliance, based on selections made by a user. The laundry appliance is actually provided with a menu driven display, such as a touch screen, which is used to prompt a user for programming inputs through a plurality of menu screens in order to operate and control the laundry appliance. The touch screen can be divided into a plurality of zones which, in accordance with one form of the invention, can be of substantially equal sized areas.

In addition to prompting a user for programming inputs, important to the present invention is the fact that a zone of the plurality of zones is used to present a first set of informational data concerning operation of the appliance and, if additional details of that first set of information is needed, that zone will expand to substantially, entirely

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encompass the menu screen, while also presenting a further or second set of information to the user. The second set of information is specifically presented to provide additional details concerning the first set of information originally contained in the selected zone. In accordance with one aspect of the invention, the first set of information can be in the form of diagnostic codes, with the second set of information providing additional details defining the codes.

For example, as described in the specification on page 8, line 10 - page 10, line 4, upon selecting an operating option choice "Diagnostics", the user is presented with a screen 250 (Figure 2B) that is divided into a plurality of zones 15-20. Within one of the plurality of zones, namely zone 18, the user (typically a technician or repair personnel) is presented with a first set of information in the form of diagnostic codes (see list of error and help codes in Figure 2B). If the user has experience interpreting the diagnostic codes, then no further information on the data is required. However, if the user is not experienced in the interpretation of the diagnostic codes, an additional selection can be made causing zone 18 to enlarge so as to substantially, entirely encompass the screen as represented by screen 300 in Figure 2B. Therefore, screen 300 expands on the first set of information by also presenting a second set of information to the user in the form of details that describe the meaning of the various diagnostic codes originally presented in zone 18. Of course, diagnostic codes and subsequent details describing the diagnostic codes are but one example of many possibilities for the first and second sets of information.

**GROUND'S OF REJECTION TO BE REVIEWED ON APPEAL**

1. Whether or not claims 1-20 are patentable under 35 U.S.C. § 102(e) over U.S. Patent No. 6,502,265 to Blair et al. which is assigned to the same company as the present invention and is concerned with features of the same production model laundry appliance as the present invention.

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2. Whether the affidavit submitted in accordance with 37 C.F.R. § 1.131 is ineffective to antedate and swear behind the Blair et al. patent.

The Examiner has adopted the position that the display presented in the Blair et al. reference includes a plurality of zones which include a first set of information (the initial operating screen set) that can be selected to present a second set of information on an enlarged screen. Actually, the display described in the Blair et al. reference merely presents operating options to a user and, upon selecting one of the available options, a subsequent selection screen is provided to present additional operating options to the user. These available options or choices presented on the display are not analogous to the sets of information disclosed and claimed in connection with the present invention, but merely choices for operating the appliance. As detailed more fully below, the Examiner has already acknowledged this distinction during the interview conducted on April 26, 2005, but the agreements reached during the interview were breached by the Examiner.

The Examiner has also adopted the position that the affidavit submitted under 37 C.F.R. § 1.131 is ineffective to establish a reduction to practice of the invention prior to the effective date of the Blair et al. reference. It is important to note that the applicant never needed to establish a reduction to practice date but rather a conception of the invention prior to the effective date of the Blair et al. reference coupled with due diligence from prior to the date, to the subsequent reduction to practice or to the filing of the application. That is, the basis for holding the affidavit ineffective is irrelevant to the present circumstances.

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ARGUMENTS

I. Claims 1, 5, 7, 8, 12 and 14

Each of claims 1 and 8 is directed to a method of conveying information on a display screen of an appliance. The display screen is divided into a plurality of zones with one of the plurality of zones displaying a first set of information (see zone 18 of screen 250 in Figure 2B). Upon being selected, the one of the plurality of zones is caused to be enlarged so as to substantially, entirely encompass the screen, while automatically presenting a second set of information (see screen 300 in Figure 2B). The second set of information represents additional details concerning the first set of information. That is, the first set of information is re-presented and additional details of that information is presented through the enlarging of the screen. In essence, all of the information cannot be displayed in zone 18 due to the size of the zone. Therefore, the information is truncated to establish the displayed first set of information. However, upon enlarging zone 18 to encompass the screen, the full information represented by the first and second sets can be displayed. In this manner, information is not lost, just expanded upon.

Initially, in considering the patentability of this claim, it is important to note that the display screen must initially present a first set of information. That is, the screen must not simply present one piece of information but a group or collection of information in one of a plurality of zones on a single screen. Subsequently, the display must become an enlargement of that one zone, while further presenting a second set of information that supplements the first set of information. More specifically, the second set of information must represent additional details about the first set of information, which is also still displayed.

In utilizing the Blair et al. reference (U.S. Patent No. 6,502,265) against the claims of the present application, it should initially be realized that the Blair et al.

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reference is owned by the same assignee as the present invention and is concerned with a different aspect of the same product model appliance as the present invention. The test for patentability under 35 U.S.C. § 102 is basically whether a single prior art reference teaches or enables each of the claimed elements of the claimed subject matter (arranged as in the claim) expressly or inherently as interpreted by one of ordinary skill in the art. *W.L. Gore and Associates v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), Cir Denied 469 US 852 (1984). "A claim is anticipated only if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). For a prior art reference to anticipate in terms of 35 U.S.C. § 102, every element of the invention must be identically shown in a single reference. *Diversitech Corp. v. Century Steps, Inc.*, 850 F.2d 675, 677, 7 USPQ 2d 1315, 1317 (Fed. Cir. 1988). Simply stated, Blair et al. is not at all concerned with the identical invention.

In any case, the Examiner correctly identifies that a screen in accordance with the Blair et al. patent can be divided into a plurality of zones. However, the Examiner incorrectly indicates that Figures 2, 8A and 8B illustrate providing a "first set of information" in one of the plurality of zones which can be selected and expanded. In the final Office Action, the Examiner provided the example of using "Hints and Tips" from screen 100 as the first set of information. However, as will be discussed further below and agreed upon during the interview conducted in this case, the phrase "Hints and Tips" does not constitute a first set of information at all analogous to that of the present invention. When the claim is not read in a vacuum but in light of the specification, it is clear that the "first set of information" refers to information conveyed to a user about the appliance or, more specifically, about operation of the appliance. When the Examiner conveyed that he would be more comfortable if the claim specified that the first set of



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information includes "a plurality of informational data concerning operation of the appliance" (language specifically discussed and agreed upon during the interview conducted as evidenced by the interview summary record attached), the Applicants' representative was more than willing to further clarify this point by amending the independent claims in this application to include this language as it was felt that the claims should already be interpreted in this manner. Unfortunately, for reasons not understood by the Applicants given specific language agreed upon during the interview and the agreements reached regarding approval and reconsideration, the amendments were not entered.

Regardless, the phrase "Hints & Tips" simply does not constitute a set of information analogous to that claimed. Compare this with the actual help and error codes shown in zone 18 of Figure 2B of the present application wherein these error codes would already provide information to diagnostics personnel concerning errors that have occurred during operation of the appliance (see discussion on page 8, line 26 – page 9, line 13). If the personnel were readily familiar with the definition of these particular codes, there would be no need to enlarge the screen to that shown at 300. However, assuming the technician is less experienced, this enlargement can be performed to present the second set of information representing the additional details about the error codes, i.e. defining the error codes. Figure 2A of the present application sets forth screens analogous to that in the Blair et al. reference, but this figure does not illustrate the present invention, but rather a precursor to the invention shown in Figure 2B. More specifically, the claimed invention is not covered by selecting "Service Menu" in screen 150 and then following up with screen 200. The phrase "Service Menu" does not convey a first set of information analogous to that claimed and screen 200 merely represents a subsequent screen in a menu hierarchy, not an enlargement of screen 150 to provide first and second sets of informational data concerning operation of the appliance. For the same reasons, the referenced figures in Blair et al. do not convey a first set of information or address the present invention.

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**II. Claims 2 and 9**

Claims 2 and 9 require that the first set of information be presented in the form of codes. That is, the first set of information must include codes themselves, not simply the word "codes". In rejecting these claims, the Examiner has apparently dropped the reliance on the phrase "Hints & Tips" and now relies upon Figure 6, reference number 280 and the discussion presented in column 5, lines 58-60 of the Blair reference. Figure 6 illustrates a screen 280 that is presented after selecting a diagnostic codes option from screen 250. Certainly, the phrase "Diagnostic Codes" cannot be interpreted as the first set of information, with the first set of information being in the form of codes, as required by these claims. Actually, this perfectly illustrates a distinction with the present invention wherein, as indicated above, an experienced technician viewing screen 250 shown in Figure 2B of the present case would not need to go to screen 300 to review further details of the codes. However, just viewing the phrase "Diagnostic Codes" in screen 250 of Blair et al. does not provide even the most experienced technician with any information which would enable him/her to not need to proceed to screen 280. At best, the phrase in Blair et al. identifies a single bit of information that indicates a portion of the screen to select in order to be presented with a subsequent screen 280 that actually displays the diagnostic codes desired. It was this specific arrangement which the present invention avoids. At best, screen 250 in Blair et al. could be considered analogous to screen 200 in Figure 2A of the present invention since each depicts the basic selection of diagnostics. However, where Blair et al. teaches to go directly to a terminal screen 280, the present invention proceeds to screen 250 (Figure 2B) wherein error and help codes are presented as a first set of information. There simply is no screen in Blair et al. similar to screen 250 of the present case which is divided into a plurality of zones and which can be subsequently enlarge to provide the additional, second set of information. In fact, there is absolutely no disclosure in Blair et al. of enlarging any zone of a screen.

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**III. Claims 3, 4, 10 and 11**

Claims 3 and 10 require providing additional details to define the codes. Claims 4 and 11 require that actual diagnostic codes are presented as the first set of information. In rejecting these claims, the Examiner again relies upon Figure 6, reference number 280 and the discussion presented in column 5, lines 58-60 of the Blair et al. reference. Certainly, the same information being relied upon to teach the first set of information cannot also be the second set of information. If the Examiner is going to take the position that reference number 280 represents the second set of information then, by logical extension, the Examiner must be interpreting the phrase "Diagnostic Codes" as the first set information. As stated above, a single phrase or operating option does not meet the definition of the term "set." Therefore, the Applicant respectfully submits that claims 3, 4, 10 and 11 should be allowed. Simply stated, relying on this term as the claimed "first set of information" is not seen to be a reasonable interpretation of the claim language.

**IV. Claims 6 and 13**

Claims 6 and 13 require that the first and second sets of information be maintained in a hierarchical format. The Examiner correctly identifies that the screens shown in the Blair et al. reference can be presented successively. However, the screens disclosed in Blair et al. do not present analogous first and second sets of information in any corresponding hierarchical format.

**V. Claims 15, 18, 19 and 20**

Claim 15 presents the present invention in apparatus (means-plus-function) form. That is, claim 15 requires an appliance including a display device having a screen divided into a plurality of zones, a means for displaying a first set of information in one of the plurality of zones and means for enlarging the one of the plurality of zones to

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substantially, entirely encompass the screen, while automatically presenting a second set of information representing additional details concerning the first set of information on the screen.

The CAFC in *In Re Donaldson Co.* 16 F.3d 1189, 29 USPQ 2d 1895 (Fed. Cir. 1994)(en banc) stated that claims presented in means-plus-function and step-plus-function format must be interpreted under 35 U.S.C. § 112 6<sup>th</sup> paragraph. The Federal Circuit described the appropriate method for interpretation means-plus-function claims for an anticipation rejection as follows:

*With respect to means-plus-function limitations in a claim, the prior art reference cannot anticipate the claimed invention "[a]bsent structure [in the prior art reference] which is capable of performing the functional limitation for the single 'means' . . . Thus, if the crucial property or characteristic of the reference is not necessarily implicit in the reference's disclosure, then the principles of inherency do not apply and a reference without either inherent or explicit disclosure of each and every element of the claim cannot anticipate the claim. RCA Corp. v. Appliance Digital Data Sys., 730 F.2d 1440, 221 USPQ 385 (Fed. Cir. 1984) (Citing In Re Mott 557 F.2d 266, 269, 194 USPQ 305, 307 (CCPA 1977)).*

With respect to functional limitations of the means-plus-function claim, the Federal Circuit further stated that:

*[t]he claims here define the invention in terms of several specific "means-plus-function" elements. The limitations which must be met by an anticipatory reference are those set forth in each statement of function. Such a limitation cannot be met by an element in a reference that performs a different function, even though it may be part of a device embodying the same general overall concept. Id. 221 USPQ at 389 n.5 (citing In Re Mott, 557 F.2d 266, 269, 194 USPQ 305, 307 (CCPA 1977).*

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Simply stated, for reasons corresponding to those outlined above in regards to claims 1 and 8, the Applicant respectfully submits that the Blair et al. reference at no point discusses presenting a first set of information in one of a plurality of zones of a display, with the one of the plurality of zones being subsequently enlarged to present a second set of information representing additional details concerning the first set of information. Moreover, given that claim 15 is presented in means-plus-function format, the reference must include each and every element either inherently or explicitly in order to anticipate the claim. The MPEP in sections 2181+ clearly sets forth that the broadest reasonable interpretation of a means-plus-function claim must not be done in disregard to the structure disclosed in the specification and that, to meet the limitations of a means-plus-function claim, the prior art must perform the "identical function." There is simply no teaching in the Blair et al reference to the particular structure or function of these claims. If Blair et al. did disclose the present invention, claims would have been made by the common assignee in that case to avoid the time and expense associated with the present case.

**VI. Claim 16**

Claim 16 specifies that the first set of information constitutes codes. This recitation, which further limits the means-plus-function language of claim 15, is not equivalent to the simple use of the word "Codes" in Blair et al. for at least the reasons set forth above in arguing the patentability of claims 2 and 9, which arguments are incorporated herein by reference.

**VII. Claim 17**

Claim 17 specifies that the second set of information defines the codes. This recitation, which further limits the means-plus-function language of claims 15 and 16, provides additional structural distinctions in that Blair et al. does not have any disclosure

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concerning providing codes and then, in a subsequent, enlarged display, details of those codes for any purpose analogous to the present invention. To this end, the arguments set forth above in connection with the patentability of claims 3 and 10 are incorporated herein by reference.

**VIII. Effectiveness of the Rule 1.131 Affidavit**

A rejection based on 35 U.S.C. § 102(e) can be overcome by:

(D) Filing an affidavit or declaration under 37 C.F.R. § 1.131 showing prior invention, if the reference is not a U.S. Patent or a U.S. Patent application publication claiming the same patentable invention as defined in 37 C.F.R. 1.601(n). 37 C.F.R. § 1.131 sets forth that an Affidavit or Declaration of Prior Invention requires that (b) The showing of facts shall be such, in character and weight, as to establish reduction to practice prior to the effective date of the reference, or conception of the invention prior to the effective date of the reference coupled with due diligence from prior to said date to a subsequent reduction to practice or to the filing of the application. (emphasis added)

In order to overcome the Examiner's §102(e) rejection, the Applicant filed an affidavit under 37 C.F.R. § 1.131 to show that the Blair et al. patent, which is assigned to the same company as the present invention and is concerned with other features incorporated in the same production model laundry appliance, does not represent effective prior art. To this end, a §1.131 affidavit (See Exhibit II and accompanying documents in the attached evidence appendix) was prepared and filed which swears behind the filing date of the Blair et al. reference. This affidavit was prepared in a manner directly corresponding to various other affidavits previously submitted in the Patent Office in connection with other cases and readily accepted. However, in the present case, the affidavit was deemed to be ineffective such that the previously presented rejection was simply reiterated. More importantly, the Office Action was prepared using form paragraphs 7.57 and 7.59 in stating that the evidence submitted is insufficient to

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establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the '265 reference. However, the Applicant never intended to show a reduction to practice prior to the effective date of the '265 reference but rather conception of the invention prior to the effective date of the reference coupled with due diligence from prior to the date to a subsequent reduction to practice or to the filing of the application. Therefore, it is respectfully submitted that the basis for holding the affidavit ineffective is irrelevant to the present circumstances.

Due to this apparent misconception by the Examiner, the Examiner was contacted on January 25, 2005 to discuss this matter. During a return telephone call on January 28, 2005, it was particularly pointed out that the affidavit swears back of the reference under 37 C.F.R. 1.131(b) based on the conception of the invention coupled with the due diligence to reduction to practice. With these requirements in mind, it was already agreed that the documentation provided with the previously submitted affidavit clearly illustrates the conception date of May 2000. Therefore, the question is whether this conception is coupled with due diligence from prior to the date of the reference to a subsequent reduction to practice or to the filing of the application.

In submitting the affidavit, it was stated that both the present invention and the interactive control system for a laundry appliance as set forth in U.S. Patent No. 6,502,265 (Blair) are owned by the same assignee and were diligently worked on in connection with the production of a common washing machine that went into production on September 22, 2000. Therefore, on the record, the Examiner has a conception date of May of 2000 and a statement of diligence concerning the production of a washing machine approximately four months after production. It is respectfully submitted that this information alone clearly proves diligent working as a four month window from conception to reduction to practice in the form of an actual production version of a washing machine is an incredibly short period of time. Regardless, the record already shows that the present invention was reduced to practice prior to the effective date of the

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'265 reference. That is, production of the invention took place in the United States before the filing of the application resulting in the Blair et al. patent. M.P.E.P. § 715.07(a) requires particular evidence of facts establishing diligence when the reduction to practice is after the effective filing date of the reference. This section specifically states that under 37 C.F.R. § 1.131, "the critical period in which diligence must be shown begins just prior to the effective date of the reference or activity and ends with the date of a reduction to practice." In the present case, the Applicant has declared and in fact conveyed to the Examiner that the present invention was actually reduced to practice prior to the effective date of the reference. In this case, it is respectfully submitted that there is no period of diligence that must be shown after the effective date of the reference as the present invention was reduced to practice prior to that date. M.P.E.P. § 2138.06 clearly states on page 2100-119 that the end of the diligence period is marked by either an actual or constructive reduction to practice. For at least these reasons, the objection to the affidavit should be withdrawn as the basis for the rejection was misplaced, the Blair et al. patent removed as a prior art reference and the application passed to issue.

**IX. Summary**

It is respectfully submitted that the Examiner has failed to establish anticipation under 35 U.S.C. § 102 in rejecting the claims of this application as the prior art reference is not seen to teach presenting a first set of information on a portion of a display screen and, subsequently, enlarging that portion of the display screen to present a second set of information, with the second set of information representing additional details concerning the first set of information. At best, the Blair reference teaches providing an operator option which can be selected to present additional options in establishing a washing operation in a laundry appliance. It is respectfully submitted that an option does not constitute information, let alone a set of information analogous to that of the present invention.



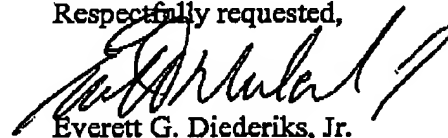
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In addition, it is respectfully submitted that the Examiner erred in failing to accept the affidavit submitted under 37 C.F.R. § 1.131(b) which swears behind of the Blair reference. That is, the affidavit presents a date of conception that is prior to the Blair invention coupled with diligence leading to a reduction to practice. Furthermore, the Examiner should have entered the prior proposed amendment as it only set forth specifically agreed upon language which, on the record, is stated to be allowable over Blair et al. With this in mind, it is respectfully submitted that a proper interpretation of the claimed "first set of information" is a plurality of informational data containing operation of the appliances so that this limitation already exists in the claims. If the Examiner had any questions as to the meaning of this term, he would have certainly needed to resort to the written description. In any event, it is submitted that the present invention as set forth in this application clearly, patentably defines the invention over the known prior art such that the Examiner's rejection should be reversed.

Respectfully requested,



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**CLAIMS APPENDIX**

1. (original) A method of conveying information on a display screen of an appliance comprising:
  - dividing the screen into a plurality of zones;
  - displaying a first set of information in one of the plurality of zones; and
  - causing said one of the plurality of zones to become enlarged so as to substantially, entirely encompass the screen, while automatically presenting a second set of information representing additional details concerning the first set of information on the screen.
2. (previously presented) The method according to claim 1, further comprising: presenting the first set of information in a form of codes.
3. (original) The method according to claim 2, further comprising: providing the additional details to define the codes.
4. (original) The method according to claim 3, wherein diagnostic codes are presented as the first set of information.
5. (original) The method according to claim 1, wherein the plurality of zones are divided into substantially equally sized areas.
6. (original) The method according to claim 1, further comprising: maintaining the first and second sets of information in a hierarchical format.
7. (original) The method according to claim 1, further comprising: physically touching the screen to enlarge said one of the plurality of zones.

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8. (original) In an appliance including a display screen for conveying operational and control information, a method of conveying the information comprising:

displaying a first set of information in one of a plurality of zones of the screen;  
and

enlarging said one of the plurality of zones to substantially, entirely encompass the screen, while automatically presenting a second set of information representing additional details concerning the first set of information on the screen.

9. (previously presented) The method according to claim 8, further comprising: presenting the first set of information in a form of codes.

10. (original) The method according to claim 9, further comprising: providing the additional details to define the codes.

11. (original) The method according to claim 10, wherein diagnostic codes are presented as the first set of information.

12. (original) The method according to claim 8, wherein the plurality of zones are divided into substantially equally sized areas.

13. (original) The method according to claim 8, further comprising: maintaining the first and second sets of information in a hierarchical format.

14. (original) The method according to claim 8, further comprising: physically touching the screen to enlarge said one of the plurality of zones.

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15. (original) An information display system for an appliance comprising:  
a display device including a screen divided into a plurality of display zones;  
means for displaying a first set of information in one of the plurality of display zones; and  
means for enlarging said one of the plurality of display zones to substantially, entirely encompass the screen while automatically presenting a second set of information representing additional details concerning the first set of information on the screen.
16. (original) The information display system according to claim 15, wherein the first set of information constitutes codes.
17. (original) The information display system according to claim 16, wherein the second set of information defines the codes.
18. (original) The information display system according to claim 15, wherein the plurality of display zones are substantially, equally sized.
19. (original) The information display system according to claim 15, wherein the screen constitutes a touch screen.
20. (original) The information display system according to claim 15, wherein the appliance constitutes a laundry appliance.

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**EVIDENCE APPENDIX**

**Exhibit I:** Copy of interview summary sheet provided to the Applicant's representative following a personal interview conducted on April 20, 2005.

**Exhibit II:** Copy of Affidavit submitted under 37 C.F.R. § 1.131(b).

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**RELATED PROCEEDINGS APPENDIX**

Not Applicable